

Exhibit 5

Admitted in: Florida, New York, Massachusetts, Tax Court, United States Supreme Court.

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If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately at 212-587-5971.

Thank You.

-----Original Message-----

From: "David A.P. Brower" <brower@browerpiven.com>
Date: Wed, 12 May 2010 09:38:12
To: <jonathan@davidofflawfirm.com>
Cc: Caitlin M. Moyna<moyna@browerpiven.com>
Subject: Re: Inyx - answer

Dear Jonathan:

You had told me over two weeks ago that your clients were gathering the responsive documents. Now you indicate that you have not seen the request for production of documents, which indicates to me that those documents are not being gathered even though your clients are in extreme default on their discovery obligations. This is a matter of deep concern to Plaintiff and we wish to meet and confer on the issue as soon as possible.

Very truly yours,

David Brower

----- Original Message -----

From: Jonathan Davidoff <jonathan@davidofflawfirm.com>
To: David A.P. Brower
Sent: Wed May 12 09:27:52 2010
Subject: RE: Inyx - answer

Please forward me your requests for production and other demands.
I have nothing from prior counsel.

Jonathan Marc Davidoff, Esq.

-----Original Message-----

From: "David A.P. Brower" <brower@browerpiven.com>
Date: Wed, 12 May 2010 10:15:19
To: <jonathan@davidofflawfirm.com>
Cc: Caitlin M. Moyna<moyna@browerpiven.com>
Subject: Re: Inyx - answer

Dear Jon:

With all due respect, I have repeatedly discussed the Fed. R. Civ. P. 34 document request with you, including but not limited to informing you of Plaintiff's position that your clients' disregard of the document request resulted in a waiver of any objections they might have wished to assert and that we wanted the documents immediately. It was in that context you informed me that your clients were gathering the documents. Plaintiff's position with regard to your clients' default on responding to the document request was also repeated in several letters to the Court that I know you received. Your indication of ignorance below regarding the document request and your clients' continuing failure to comply with their discovery obligations is, at best, surprising at this late date.

Suffice it to say that, given it appears you have not even begun to address the document request, that your clients are in default of their obligations under that request, and that the Court apparently will not grant relief from the current discovery schedule, we will have to move to compel and seek all other appropriate relief to protect the interests of the class.

I can be reached this afternoon at my office. Please call at your convenience as it appears you are traveling.

Very truly yours,

David Brower

----- Original Message -----

From: Jonathan Davidoff <jonathan@davidofflawfirm.com>
To: David A.P. Brower
Cc: Caitlin M. Moyna
Sent: Wed May 12 09:39:29 2010
Subject: Re: Inyx - answer

This is not true. The only items we discussed were the answer and disclosure. I said I was reviewing the documents I had, which were the pleadings!

Jonathan Marc Davidoff, Esq.
Attorney at Law

PLEASE NOTE THE NEW ADDRESSES BELOW

New York Location
60 East 42nd Street
Suite 2231

New York, NY 10165

Tel: 212-587-5971

Fax: 212-658-9852

Email: Jonathan@DavidoffLawFirm.com

Website: www.DavidoffLawFirm.com

Miami Location

235 Lincoln Road

Suite 310

Miami Beach, FL 33139

Tel: 305-673-5933

Fax: 305-718-0647

-----Original Message-----

From: Jonathan Davidoff [mailto:jonathan@davidofflawfirm.com]
Sent: Wednesday, May 12, 2010 10:48 AM
To: David A.P. Brower
Cc: Caitlin M. Moyna
Subject: Re: Inyx - answer

David,

Not much to talk about based on the latest email.

Prior counsel has most of the documents that my clients had and they have not turned them over to them. I will be making a formal request. In the interim, my clients are putting together what they have. Also, most of the documents that are relevant to this case are part of discovery in the PR case.

Jonathan Marc Davidoff, Esq.
Attorney at Law

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Thank You.

Attorney at Law

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Thank You.

-----Original Message-----

From: David A.P. Brower [mailto:brower@browerpiven.com]
Sent: Wednesday, May 12, 2010 9:29 AM
To: jonathan@davidofflawfirm.com
Subject: Re: Inyx - answer

And the Rule 26 Disclosures and documents responsive to the first request for production of documents?

----- Original Message -----

From: Jonathan Davidoff <jonathan@davidofflawfirm.com>
To: David A.P. Brower
Cc: 'Jonathan Davidoff' <jonathan@davidofflawfirm.com>
Sent: Wed May 12 07:57:09 2010
Subject: Inyx - answer

David,